

IN RE:

PATRICIA RENCHLER
DEBTOR(S)

CITIMORTGAGE, INC.
MOVANT

VS

**PATRICIA RENCHLER
AND WALTER O'CHESKEY, TRUSTEE
RESPONDENTS**

=====

CASE NO. 09-10407-RCJ-13

CHAPTER 13

HEARING DATE: 05/01/2014

HEARING TIME: 01:30 PM

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR ALL THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1205 TEXAS AVENUE, LUBBOCK, TEXAS, 79401-4002, BEFORE CLOSE OF BUSINESS DAY ON APRIL 10, 2014, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THIS CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now CitiMortgage, Inc. (hereinafter referred to as "Movant" or "Noteholder"), its successors and/or assigns, a secured creditor in the above-entitled and numbered case, by and through its attorneys, to file this Motion for Relief from the 11 USC § 362 Automatic Stay in support thereof, Movant respectfully represents to the Court as follows:

1. On October 27, 2009, Debtor(s) filed a voluntary petition for relief under the Bankruptcy Code. Subsequently, Walter O'Cheskey was appointed Trustee, qualified and is duly acting in such capacity.

2. This Court has jurisdiction of this Motion by virtue of 11 USC §§105, 361 and 362, and 28 USC §§1334 and 157.

3. Patricia Renschler executed a promissory note (the "Note"). To secure repayment of the Note, Patricia Renschler executed a security instrument (the "Deed of Trust"). The Deed of Trust encumbers the real property with the address of 5461 County Road 206, Breckenridge, Texas 76424 (the "Property"). True and correct copies of the Note and Deed of Trust are included with the affidavit filed in support of this motion and incorporated herein.

4. CitiMortgage, Inc. services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is modified, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of CitiMortgage, Inc., "Noteholder". Noteholder, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Noteholder or has been duly endorsed. Noteholder is the original mortgagee or beneficiary or the assignee of the security instrument for the referenced loan.

5. As of 03/07/2014, the unpaid principal balance of the Note is \$57,927.92. Debtor(s) are in default under the terms of the Note and Deed of Trust in that Debtor(s) have failed to make payments when due and owing as detailed in the affidavit filed in support of this motion and incorporated herein.

6. By failing to make the payments due pursuant to the Note and Deed of Trust, Debtor(s) have not provided adequate protection to Movant. Consequently, Movant lacks adequate protection of its interest in the Property. Movant therefore seeks relief from the 11 USC § 362 Automatic Stay pursuant to 11 USC § 362(d)(1).

7. Movant has no remedy available to it other than to seek relief 11 USC § 362 Automatic Stay.

8. Movant specifically requests permission from this Honorable Court to communicate with Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable non-bankruptcy law.

9. Movant has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled to reimbursement under the terms of its Note and Deed of Trust.

10. For the above and foregoing reasons, Movant asserts cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing an Order granting this motion to be effective upon this Honorable Court's signature.

WHEREFORE, PREMISES CONSIDERED, Movant prays that, upon hearing of this Motion, the 11 USC § 362 Automatic Stay be terminated as to the claim of Movant, its successors and/or assigns, to seek its statutory and other available remedies; that Movant, its successors and/or assigns, be permitted to obtain possession of the Property to the exclusion of Debtor(s), alternatively, Movant, its successors and/or assigns, be afforded adequate protection by including, but not limited to, having all payments presently due in this proceeding to Movant being brought current and Movant being reimbursed for its reasonable attorneys' fees and expenses; and that Movant be granted such other and further relief, at law and in equity, as is just.

Respectfully submitted,
Buckley Madole, P.C.

/s/ Sammy P. Hooda
Cristina Platon Camarata
Michael J. Burns
Sammy P. Hooda
Attorneys and Counselors
14841 Dallas Parkway, Suite 300
Dallas, Texas 75254
(972) 643-6600
(972) 643-6698 (Telecopier)
E-mail: BkcyAttorneys@BuckleyMadole.com
Attorney for CitiMortgage, Inc.

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Movant attempted to confer with counsel for Debtor(s) prior to filing this motion and the issues raised herein are not yet resolved.

/s/ Sammy P. Hooda
Cristina Platon Camarata
Michael J. Burns
Sammy P. Hooda

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following parties in interest either via pre-paid regular U.S. Mail or via electronic notification on or before the 28 day of March 2014:

Debtor's Attorney
Pamela Jean Chaney
Monte J. White & Associates P.C.
402 Cypress St. Ste. 310 American State Building
Abilene, Texas 79601-5151

Debtor
Patricia Renschler
5461 CR 206
Breckenridge, Texas 76424-7046

U.S. Trustee
1100 Commerce Street, Room 976
Dallas, Texas 75242

Chapter 13 Trustee
Walter O'Cheskey
6308 Iola Avenue
Lubbock, Texas 79424

Mark W. Harmon
Boerner, Dennis & Franklin, PLLC
P. O. Box 1738
Lubbock, Texas 79408

109-10407-RCJ-13

/s/ Sammy P. Hooda
Cristina Platon Camarata
Michael J. Burns
Sammy P. Hooda